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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,381	01/11/2002	Hiroyuki Nishida	Q68032	5497

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EXAMINER
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WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/042,381

Applicant(s)

NISHIDA, HIROYUKI

Examiner

Gloria R. Weeks

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is in response to Applicants' amendments and arguments received on February 23, 2006, all of which have been considered and acknowledged in this action.
2. Claims 1 and 3 have been amended.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al. (USPN 6,612,100).

In reference to claims 1, 2 and 17 Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting and stacking means (104, 106A, 106B, 400A, 400B) for stacking only individual sheets (F) in a predetermined number directly on a pallet<sup>1</sup> (440; figure 1); covered sheet stack producing means (figures 57-59); packaging means (700) for packaging the covered stacks (26) in bags (28); a pallet (855) for supporting the sheet stacks (W); wherein the covered sheet stack producing means (500) includes a first handling means (710) for placing the covered sheet (14) on an upper surface of the stacked sheets (F; figures 57-59); and folding means (480) for folding the protective cover (28).

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<sup>1</sup> Pallet (n): A portable platform used for storing or moving cargo or freight

Regarding claims 3 and 4, Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting and stacking means (104, 106A, 106B, 400A, 400B) including decurling means (suction apertures) for stacking only individual sheets (F) in a predetermined number directly on a pallet (440; figure 1); covered sheet stack producing means including a folding means (480) for covering the stacked sheets (F) with a folded protective cover (12), wherein the protective cover (12) includes transversely extending bending lines (figure 51), for defining first, second and third portions each to be positioned on a face portion of the stacked sheets (14, 16, 21, 23); wherein the covered sheet stack producing means (480) includes a first handling means (480) for placing the covered sheet (14) on an upper surface of the stacked sheets (F; figures 57-59); and packaging means (700) for packaging the covered stacks (26) in bags (28)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being anticipated by Katz et al. (USPN 4,939,888) in view of Loree et al. (USPN 5,878,554).

Regarding claims 1 and 2, Loree et al. teaches a sheet packaging system comprising a covered sheet stack producing means (52) for folding a protective cover (18) around at least a portion of a stack of sheets (60); and packaging means (72) in series with the covered sheet stack

Art Unit: 3721

producing means (52), wherein the packaging means (72) for individually bagging each covered sheet stack (70) to obtain a sheet package (94).

Loree et al. does not disclose a cutting and stacking means. Katz et al. discloses a sheet package producing system, comprising: cutting and stacking means (44) for forming sheets by cutting continuous sheets (30) at a regular length, and for stacking only the individual sheets (40) in a predetermined number directly on a pallet (42) to form stacked sheets (46); a covered sheet stack producing means (50) and a packaging means (58). Although Loree et al. indicates that the stacks are previously formed prior to being conveyed to the covered sheet stack producing means and the packaging mean, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Loree et al., to include the cutting and stacking means of Katz et al. , since Katz et al. teaches that it is well known in the art to provide a sheet package producing system with a cutting and stacking means to form the stacks prior to packaging.

#### ***Allowable Subject Matter***

7. Claims 5-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

8. Applicant's arguments with respect to the rejection of claims 1-4 and 17 in view of Morimoto et al., have been considered but are moot in view of the new ground(s) of rejection.

Due to Applicant's amendment to require the packaging means to bag the sheet package, Examiner has amended the rejection to reflect such limitations.

Examiner finds the stacking means to stack the sheets directly on the pallet, despite the fact that the protective cover is placed between the stacked sheet and the pallet, as the stack is formed on the pallet verses an alternative location and subsequently placed on the pallet.

9. Applicant's arguments with respect to the rejection of claims 1 and 2 in view of Katz et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant has argued that both Loree and Katz et al., also, fails to disclose packaging "one" of the covered sheet stacks, rather discloses packaging a plurality of the covered sheet stacks. Examiner disagrees as Loree et al. teaches covering the stacks (60) with protective covers (18) which are folded over the stacks (60) by a folding means (68) and further packaging means (72) that bags the covered stacks, wherein each individual covered stacks is bagged. Loree et al. does not disclose bagging a plurality of covered stacks in a single bag.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3721

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473.

The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.



grw  
May 12, 2006

Gloria R Weeks  
Examiner  
Art Unit 3721



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700